

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DUANE K. BALLEW,)	
)	
Plaintiff,)	
)	
v.)	No. 4:20 CV 765 CDP
)	
KILOLO KIJAKAZI,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Plaintiff Duane K. Ballew prevailed on his appeal for judicial review of an adverse decision of the Social Security Administration and now requests attorney's fees under the Equal Access to Justice Act (EAJA) in the amount of \$6,172.77. The Commissioner does not object to plaintiff's request for fees and asks that I order payment in the amount requested. I will grant the request.

This matter came before me on plaintiff's appeal for judicial review of an adverse decision of the Social Security Administration. In a Memorandum, Order, and Judgment entered September 7, 2021, I reversed the Commissioner's decision and remanded the matter to the Commissioner for further administrative proceedings under sentence four of 42 U.S.C. § 405(g). Plaintiff now seeks an award of attorney's fees inasmuch as he is a prevailing party, has a net worth of less than two million dollars, and incurred these fees in this action. 28 U.S.C. §

2412(d). The Commissioner does not oppose plaintiff's motion but requests that any award be made payable in accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010). Upon review of plaintiff's motion and the Commissioner's response, I find the requested fees and the Commissioner's requested terms of payment to be reasonable.


Accordingly,

IT IS HEREBY ORDERED that plaintiff's Petition to Award Attorney Fees Pursuant to the Equal Access to Justice Act [30] is **GRANTED**.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. § 2412(d), plaintiff shall recover attorney's fees from the Social Security Administration in the amount of Six Thousand, One Hundred Seventy-Two and 77/100 Dollars (\$6,172.77).

IT IS FURTHER ORDERED that, under the terms of the Assignment executed by the plaintiff in this case (*see* ECF 30-2), the award shall be made payable to attorney Traci L. Severs unless plaintiff has a pre-existing debt owed to the United States, in which case the award shall be made payable to the plaintiff and subject to offset to satisfy that debt. In the event that a debt is owed but the fees are not subsumed entirely by the debt, the payment of the remaining fees to plaintiff shall be mailed to Traci L. Severs, LLC, Post Office Box 621,

Manchester, MO 63021, so that plaintiff may sign the payment over to the attorney for the attorney fees.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 10th day of December, 2021.